



MORGANTOWN BOARD OF ZONING APPEALS

December 17, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V14-56 / Altered Ego Boutique / 1225B University Avenue

REQUEST and LOCATION:

Request by Christina DeAntonis, on behalf of Altered Ego Boutique, for variance relief from Article 1369 as it relates to signage at 1225B University Avenue.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 21; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a 24 square foot wall sign for *Altered Ego* located at 1225B University Avenue. Addendum A of this report illustrates the location of the subject site.

Article 1369.07(I)(1) provides that the maximum wall sign area in the B-4 District is determined by multiplying the storefront width in feet by 0.4. The storefront width of *Altered Ego* is approximately 30 feet and the maximum area for the subject wall sign is calculated to be 12 square feet. As such, the proposed sign requires a twelve (12) square foot variance.

Additionally, Article 1369.08(B) provides that signs in the B-4 District are limited in materials to wood; sculpted "sign foam"; ornamental metals such as bronze, brass, copper, etc.; painted aluminum panels, stone or masonry (with concrete blocks being covered with stucco). The proposed sign contains plastic sequins on the majority of the sign, which requires variance relief.

The following list includes all comments received from the Downtown Design Review Committee:

- "Sign is ok. Size is questionable. Don't want to open the door for numerous similar signs."
- "I have no problem with the sign, as to the size I'll leave that to the BZA."
- "Sign for Altered Ego looks fine."
- "It seems fine for the location."
- "I am fine with this."

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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STAFF RECOMMENDATION:

The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant.

No recommendation is submitted by Staff concerning the findings of fact or whether variance relief should be granted as requested to exceed the maximum wall sign area standard by 12 feet or to utilize the sequins material. Please note that Addendum B of this report simply restates the petitioner's findings of fact provided in the application.

Enclosures: Application and accompanying exhibits

Development Services

Christopher Fletcher, AICP
Director

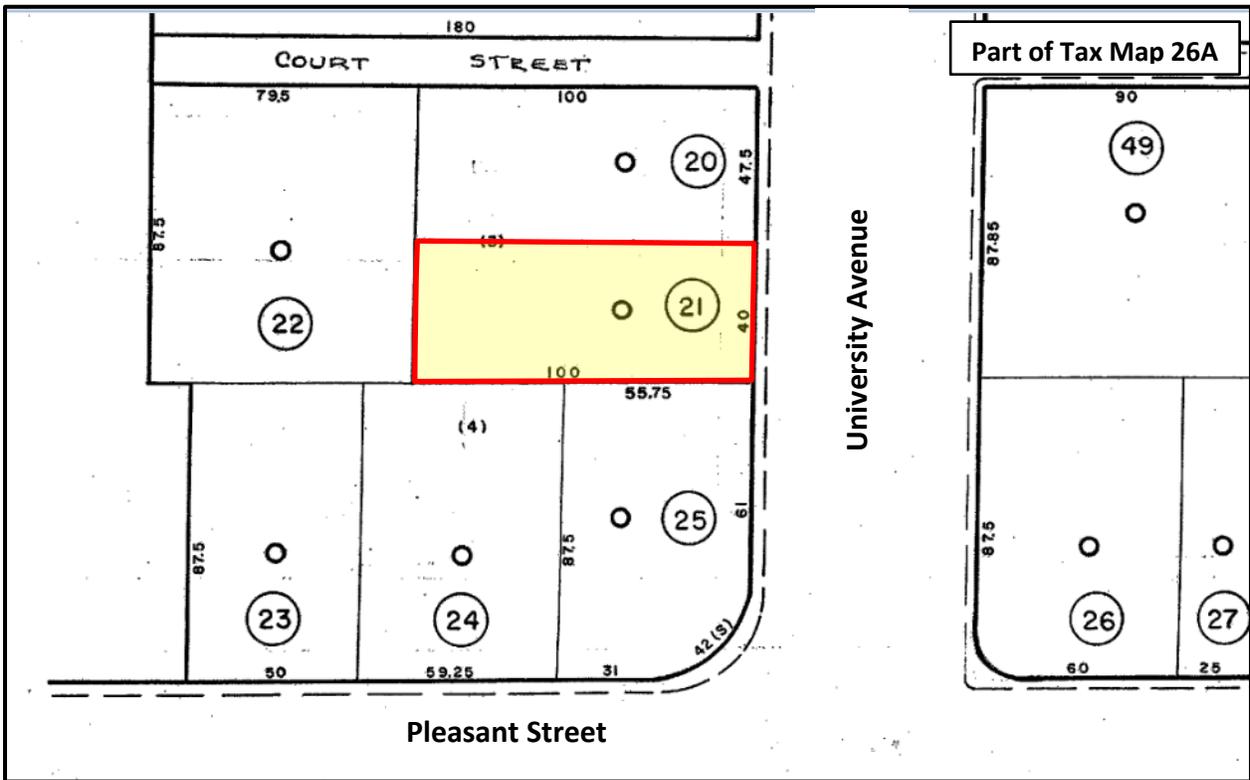
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STAFF REPORT ADDENDUM A

V14-56 / Altered Ego Boutique / 1225B University Avenue





STAFF REPORT ADDENDUM B

V14-56 / Altered Ego Boutique / 1225B University Avenue

Petitioner's Findings of Fact responses.

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The sign is aesthetically pleasing and will help the public to better locate my (hidden from the main roads) location.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

My new location will be difficult for people to find.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

I am a small business owner struggling to stay in business and keep my dream alive. I absolutely need customers to find my retail location for this to happen.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

I have worked so hard for 5 years to maintain my small business and my sign is a perfect reflection of what my business has to offer to my current and future customers. I need a large sign in order for the public to find me at my somewhat hidden location.



City of Morgantown, West Virginia

APPLICATION FOR VARIANCE PETITION

PAID
NOV 07 2014

OFFICE USE	
CASE NO.	114-56
RECEIVED:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name: Christina DeAntonis - Altered Ego Boutique	
Mailing Address:	Street	1225 B University Avenue	Phone: 304
	City	Morgantown WV 26505	Mobile: 304.525.4524
	State		Email: alteredego26505@gmail.com
II. PROPERTY		Street Address:	
Owner:	Raymond DeAntonis		Zoning:
Mailing Address:	Street	48 Old Farm Road	Tax Map No: 26A
	City	Morgantown WV 26508	Parcel No: 21
	State		Phone: 304.292.3517
III. NARRATIVE		Please describe the nature and extent of your variance request(s).	
<p>Due to the location of my business, I request that I am allowed to use my existing signage that is 24 square feet in order for customers to find my location. At this time it will be impossible for me to afford buying an entire new sign.</p>			
V. ATTEST			
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Development Services Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>			
Christina DeAntonis			11/5/14
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent	Date

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



APPLICATION FOR VARIANCE PETITION

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VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling
- Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: _____ Gross floor area of each building: _____

Estimated number of employees: _____ No. of dwelling units: _____ No. of bedrooms: _____

Additional structure-related details: _____

Additional Information (as required by Staff):

Site Plan. A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required



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VII. FINDINGS OF FACT

COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The sign is aesthetically pleasing and will help the public to better locate my (hidden from the main roads) location.

2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

My new location will be difficult for people to find.



**APPLICATION FOR
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VII. FINDINGS OF FACT	COMPLETE THE FOLLOWING STATEMENTS IN THIRD PERSON.
<p>3. The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:</p> <p>I am a small business owner struggling to stay in business and keep my dream alive. I absolutely need customers to find my retail location for this to happen.</p>	
<p>4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:</p> <p>I have worked so hard for 5 years to maintain my small business and my sign is a perfect reflection of what my business has to offer to my current and future customers. I need a large sign in order for the public to find me at my somewhat hidden location.</p>	

V14-56



Altered Ego Boutique

1225-B University Avenue
Morgantown, WV 26505

Mobile 310-525-4524
AlteredEgo26505@gmail.com

11/5/2014

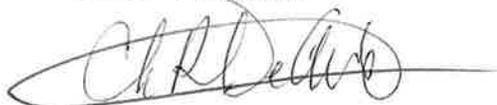
Greetings,

I would like to mount my sign for Altered Ego Boutique to the building that I am currently operating business in. The sign would ideally be located directly above the block wall and main door. It will be centered for aesthetic appeal and also will face towards the West over Bridge. Since the sign will be located at the back of the building, I feel the standard size dimensions are not adequate for the public to be able to see my signage. My store is also not located directly on High Street, it is off the beaten path, so the bigger sign will help my business attract more customers. The sign will be mounted to the outside of the building made of brick. The sign's dimensions are 8'X3' and ½" wide. Materials for the signs are a lightweight plastic for the main body, Plastic sequins and hardened foam for the lettering. There are no electrical components to this sign. Metal Brackets will be placed on the back corners of the sign to attach it to the brick and screws will be drilled completely through the sign as well.

I am aware that the materials of my sign are not wood or metal, but it is a very creative, eye catching and appealing sign that represents my business in a unique way. I request for the materials and size of the sign to be considered.

Thank you for your consideration,

Christina DeAntonis



Owner

Altered Ego Boutique